

LIBYA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Libya's interim Government of National Unity was selected by the 75-member UN-facilitated Libyan Political Dialogue Forum in November 2020 and subsequently endorsed by the Libyan House of Representatives. Libya was emerging from a state of civil conflict. The government controlled limited territory. Parallel, unrecognized institutions in the eastern part of the country, especially those aligned with the nonstate actor known as the Libyan National Army, led by General Khalifa Haftar, challenged its authority.

The government had limited control over security forces, which consisted of a mix of semiregular units, tribal armed groups, and civilian volunteers. The national police force under the Ministry of Interior oversaw internal security, supported by the armed forces under the Ministry of Defense. Security-related police work generally fell to informal armed groups, which received government salaries but lacked formal training, supervision, or consistent accountability. There were credible reports that members of security forces committed numerous abuses.

The Government of National Unity and nonstate actors largely upheld the 2020 cease-fire agreement, although both sides continued receiving support from foreign military forces, foreign fighters, and mercenaries. Informal nonstate armed groups filled security vacuums across the country. ISIS-Libya attempted to maintain a limited presence in the southwestern desert. The Libyan Political Dialogue Forum and House of Representatives each convened to establish a framework for national elections as called for by the Libyan Political Dialogue Forum roadmap. Elections did not take place as scheduled on December 24.

Significant human rights problems included credible reports of: unlawful or arbitrary killings by various armed groups; forced disappearances by various armed groups; torture perpetrated by armed groups on all sides; harsh and life-threatening conditions in prison and detention facilities; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in

internal conflict, including killing of civilians and the recruitment or use of children in conflict; serious restrictions on free expression and media, including violence against journalists and the existence of libel and slander laws; substantial interference with freedom of association; refoulement of refugees and asylum seekers; serious government corruption; lack of accountability for gender-based violence; trafficking in persons; threats of violence targeting ethnic minorities and foreigners; existence or use of laws criminalizing same-sex sexual conduct between adults; significant restrictions on workers' freedom of association, including limits on collective bargaining and the right to strike; and forced labor.

Divisions between western and eastern institutions, a security vacuum in the south, the presence of criminal groups throughout the country, and the government's weakness severely inhibited investigation and prosecution of abuses. The government took limited steps to investigate, prosecute, and punish officials who committed human rights abuses and acts of corruption within its area of reach; however, its limited resources, as well as political considerations, reduced its ability and willingness to prosecute and punish perpetrators.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that armed groups aligned with the Government of National Unity (GNU), as well as with the Libyan National Army (LNA) and other nonstate actors, including foreign fighters and mercenaries, committed arbitrary or unlawful killings. In October the Independent Fact-Finding Mission (FFM) on Libya reported that state agents or affiliates routinely used extrajudicial killings as a means of punishment or silencing "individuals suspected of involvement in serious human rights violations." The Ministry of Interior, Ministry of Justice, and Office of the Attorney General bore responsibility for investigating such abuses and pursuing prosecutions but were either unable or unwilling to do so in most cases due to severe resource or political constraints.

Alliances, sometimes temporary, among government officials, nonstate actors, and former or active officers in the armed forces participating in extralegal campaigns

made it difficult to ascertain the role of the government in attacks by armed groups.

On January 6, the Office of the UN High Commissioner for Refugees (UNHCR) reported the death of a 19-year-old Somali refugee in Tripoli. Prior to the man's death, he had been held in a human smuggling camp in Bani Walid and subjected to repeated torture and abuse by his captors. On January 14, international and domestic human rights organizations documented the death of a 21-year-old Egyptian migrant in al-Qa'arah, east of Tobruk. His body bore signs of torture, and his hands and legs were burned. Witnesses reported he was detained in a prison for migrant smugglers and died on January 11.

On January 20, local authorities in Benghazi found two bodies with gunshot wounds to the head in the city's downtown area. Their hands were tied behind their backs, and they bore signs of torture. It was not clear who was responsible for the killings.

On April 1, domestic and international human rights organizations reported a 37-year-old civilian was shot and killed as he passed by a checkpoint manned by the Ministry of Defense's 444th Brigade near his home in Tripoli. That same month, Medecins Sans Frontieres (MSF) reported guards at the Tripoli Gathering and Return Center, unofficially known as the al-Mabani migrant detention center, fired shots indiscriminately into two holding cells, killing one migrant and injuring two others.

On June 17, the UN Support Mission in Libya (UNSMIL) reported that guards at the Ministry of Interior's Department to Combat Illegal Migration (DCIM)-operated Abu Rashada detention center shot and killed four migrants and injured a number of others. On June 22, MSF suspended its operations at al-Mabani and Abu Salim detention centers in Tripoli. MSF cited two incidents on June 3 and 13 at Abu Salim where guards indiscriminately opened fire on detainees, killing at least seven individuals and injuring several others, and repeated cases of human rights abuses and inhuman conditions at both facilities as motivating factors for the decision.

On June 27, the body of a civilian bearing signs of torture was delivered to a local hospital in Tripoli. The GNU-aligned al-Dhaman Brigade had reportedly

kidnapped the individual on June 1 in the Qasr al-Qarabouli area of Tripoli. In November at least four mass graves were discovered in Tarhouna and in areas of southern Tripoli, which had been under the control of LNA-aligned forces, including the Kaniyat militia, from April 2019 until June 2020. According to data from Libya's General Authority for the Search and Identification of Missing Persons (GASIMP), the remains of at least 200 persons, including women and children, had been uncovered as of late November. In March, GASIMP had revealed it had a list of 3,650 missing persons throughout the country, including 350 individuals in Tarhouna. According to GASIMP officials, their investigation into these mass graves continued.

In August the Libyan Red Crescent discovered the bodies of six migrants in an area known for human smuggling activity in Wadi Zamzam, in the central region of the country. According to an October 12 report from the Cairo Institute for Human Rights Studies (CIHRS) and the Libya Platform (LP), between January and June no fewer than 25 extrajudicial killings took place across the country. In the absence of an effective judicial and security apparatus, most killings were not investigated.

In December the EU imposed sanctions on the Wagner Group, a paramilitary force linked to Russia and supporting the LNA, as well as eight individuals and three entities connected to it, after the FFM's October report concluded that there were "reasonable grounds to believe that Wagner personnel may have committed the war crime of murder." The EU stated that Wagner had "recruited, trained and sent private military operatives to conflict zones around the world to fuel violence, loot natural resources and intimidate civilians in violation of international law, including international human rights law."

b. Disappearance

GNU- and LNA-aligned armed groups, other nonstate armed groups, criminal gangs, and tribal groups committed an unknown number of forced disappearances (see section 1.g.). The GNU made few effective efforts to prevent, investigate, or penalize forced disappearances.

The October, CIHRS-LP reported 33 enforced disappearances during the first six

months of the year, attributing four of them to the GNU and its affiliates, 13 to the LNA, and two to ISIS. Of the other disappearances, 14 could not be attributed to any specific group.

In August, UNSMIL expressed concern regarding the number of abductions and enforced disappearances in towns and cities across the country conducted by armed groups with impunity. Migrants, refugees, and other foreign nationals were especially vulnerable to kidnapping. UNSMIL received reports that hundreds of migrants and refugees intercepted or rescued at sea by the Libyan Coast Guard went missing after disembarking at Libyan ports, and it was possible they were seized by armed groups engaged in human trafficking or smuggling. The International Organization for Migration (IOM) reported that between January and early December, 807 migrants and refugees were confirmed missing at sea.

July 17 marked the two-year anniversary of the high-profile disappearance of member of parliament Siham Sergiwa, who was abducted from her home shortly after criticizing the LNA's Tripoli offensive in a television interview. Her whereabouts remained unknown at year's end.

Domestic and international human rights organizations reported that dozens of civil society activists, politicians, judges, and journalists were forcibly disappeared by both western and eastern Libyan security services or armed groups and detained for making comments or pursuing activities perceived as disloyal to the GNU or LNA. On March 27, human rights activist Jamal Mohammed Adas disappeared in Tripoli. His whereabouts remained unknown. On May 31, LNA-aligned security services allegedly kidnapped the head of the Libyan Red Crescent in Ajdabiya, activist Mansour Mohamed Atti al-Maghrabi, in the eastern region of the country. Numerous domestic and international human rights organizations called for his release. On August 5, a commander of the LNA's 302 Brigade reportedly confirmed that al-Maghrabi was being held in an unspecified LNA prison. On August 2, unidentified armed men abducted Ridha al-Fraitis, chief of staff for the first deputy prime minister, and a colleague. On August 10, UNSMIL released a statement condemning the abduction. On August 17, Fraitis and his colleague were reportedly released.

Many disappearances that occurred during the Qadhafi regime, the 2011

revolution, and the postrevolutionary period remained uninvestigated. Due to years of conflict, a weak judicial system, and legal ambiguity regarding amnesty for revolutionary forces, authorities made no appreciable progress in resolving high-profile cases. Officials engaged in documenting missing persons, recovering human remains, and reunifying families reported being underfunded. The International Commission on Missing Persons estimated there were between 10,000 and 20,000 missing persons in the country dating back to the Qadhafi era.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the 2011 Constitutional Declaration and postrevolutionary legislation prohibit such practices, credible sources indicated personnel operating both government and extralegal prisons and detention centers tortured detainees (see section 1.g.). While judicial police controlled some facilities, the GNU relied on armed groups to manage prisons and detention facilities. Armed groups, not police, initiated arrests in many instances. An unknown number of individuals were held without judicial authorization in other facilities nominally controlled by the Ministry of Interior or the Ministry of Defense, or in extralegal facilities controlled by GNU-affiliated armed groups, LNA-affiliated armed groups, and other nonstate actors. Treatment varied from facility to facility and typically was worst at the time of arrest. There were reports of cruel and degrading treatment in government and extralegal facilities, including beatings, administration of electric shocks, burns, and rape. In many instances this torture was reportedly initiated to extort payments from detainees' families.

In addition to individuals held in the criminal justice system, many refugees, asylum seekers, and migrants were held in migrant detention centers nominally controlled by the DCIM. An unknown number of other refugees and migrants were held in extralegal detention facilities, such as smugglers' camps. The criminal and nonstate armed groups controlling these facilities routinely tortured and abused detainees, subjecting them to arbitrary killings, rape and sexual violence, beatings, forced labor, and deprivation of food and water, according to dozens of testimonies shared with international aid agencies and human rights groups.

On January 14, domestic human rights organizations and media reported security forces in the eastern city of al-Bardi rescued 14 Egyptian migrants from a prison that human traffickers controlled. The migrants said their captors had tortured them. On February 21, local authorities in al-Kufra raided a secret prison operated by human traffickers and freed at least 156 Somali, Eritrean, and Sudanese migrants and refugees. Some of the rescued migrants and refugees reportedly suffered abuse and torture, were malnourished, and required medical attention.

In June, UNSMIL documented the plight of five Somali teenage girls detained at the DCIM-operated Shara al-Zawiya migrant detention center, where guards repeatedly attacked and sexually assaulted them. At least two of the girls reportedly attempted suicide as a result of the repeated abuse. On July 15, authorities released the girls into UNHCR's care. In August, UNSMIL reported guards at the DCIM-operated Abu Issa detention center in Zawiyah sexually abused and exploited boys and men.

UNSMIL also verified reports of rape and sexual violence against female prisoners in the eastern region, including the internal security section of the Kuwayfiah prison in Benghazi.

The FFM noted in its October report to the UN Human Rights Council that migrants, asylum seekers, refugees, and prisoners were particularly at risk of sexual violence. The FFM stated it found credible indications that government actors and militias members also used sexual violence as a subjugation or humiliation tool to silence critics and those appearing to challenge social norms or acceptable gender roles. For example, the FFM stated it received several reports that rights activists were abducted and subjected to sexual violence to deter their participation in public life. The FFM also reported cases of beatings and rape of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons due to their sexual orientation or gender identity.

Impunity was a significant problem in the security forces. The government took limited steps to investigate, prosecute, and punish officials who committed human rights abuses and acts of corruption within its area of reach; however, its limited resources, as well as political considerations, reduced its ability and willingness to prosecute and punish perpetrators.

Prison and Detention Center Conditions

Prisons and detention facilities were often overcrowded, and conditions were harsh and life threatening, falling well short of international standards. Many prisons and detention centers were outside GNU control (see section 1.g.).

Physical Conditions: Prisons remained overcrowded, needed infrastructural repairs, suffered from poor ventilation, lacked adequate hygiene facilities, and experienced power and water outages. Prisons lacked clean drinking water and served low-quality food. UN agencies reported malnutrition was a risk in some prisons and detention centers, notably at DCIM facilities that did not receive a food budget.

As of August, UNSMIL estimated there were 12,300 persons detained in 27 facilities under Ministry of Justice oversight. As of September the IOM estimated there were 4,564 persons detained in DCIM facilities and potentially thousands of other migrants held in extralegal and informal facilities.

In addition to the Tripoli-based Judicial Police Authority, which the GNU tasked to run the prison system, armed groups affiliated with the Ministries of Interior and Defense, as well as with the LNA and other rival eastern security forces, operated prisons and detention facilities. The ratio of detainees and prisoners to guards varied significantly during the year. Monitoring and training of prison staff by international organizations remained largely suspended, although training of judicial police continued.

Communicable diseases, including tuberculosis, scabies, and HIV/AIDS, affected detainees in some prisons and detention centers. Most prisons lacked functioning health units, and inmates depended on family members for medicine. Inmates needing medical attention were sometimes transferred to public hospitals within the jurisdiction of whichever police unit or militia controlled the prison; these transfers often depended on the availability of private vehicles, as most prisons lacked ambulances.

On May 23, the Ministry of Justice announced the launch of a coronavirus vaccination campaign within prisons. Inmates with chronic diseases were given first priority, and the government announced the campaign would expand to

include the rest of the prison population.

There was no centralized record keeping. There were reportedly no functioning juvenile facilities in the country, and authorities held juveniles in adult prisons, although sometimes in separate sections.

UNSMIL estimated 400 women were detained in prisons as of September. Female prisoners faced conditions that fell well short of international minimum standards. Although there were often separate facilities for men and women, women remained almost universally guarded by male prison guards. UNSMIL received numerous reports of women subjected to forced prostitution in prisons or detention facilities in conditions that amounted to sexual slavery.

In May the LNA reportedly released more than 200 detainees from the Green Mountains Branch's Gernada Military Prison in the eastern city of al-Bayda. There were an estimated 1,207 prisoners from Derna held in Gernada Prison due to their opposition to the LNA. Also in May the Ministry of Justice released 78 prisoners who were arrested during the civil conflict and detained in al-Jadeda Prison in Tripoli.

According to international and national migration advocates, migrant detention centers suffered from massive overcrowding, poor sanitation, lack of access to medical care, food shortages, and significant disregard for the protection of detainees, including allegations of unlawful killing, sexual violence, and forced labor. As of September, UNHCR and the IOM estimated 25 percent of migrants and refugees held in DCIM detention centers were minors. A large number of migrant and refugee detainees were held in extralegal facilities, although numbers were unknown. There were numerous anecdotal reports that officials, nonstate armed groups, and criminal gangs moved migrants through a network of government and extralegal detention facilities with little monitoring by the government or international organizations.

As of August the government reported to UN agencies that it had released nearly 3,500 persons from Ministry of Justice prisons since the start of the COVID-19 pandemic to reduce overcrowding and minimize possible vectors for the spread of the virus. The ministry reportedly prioritized the release of persons who had

already served more than half their sentences. While international human rights organizations welcomed the move, they noted that the vast majority of persons held in prisons and detention facilities were in pretrial detention. These groups called on the GNU to immediately release vulnerable inmates in pretrial detention, including women, children, the elderly, and persons with disabilities. UNSMIL maintained that all migrant detention facilities should be closed and the detainees released.

Administration: There was no credible information available regarding whether authorities conducted investigations of credible allegations of mistreatment or allowed prisoners and detainees access to visitor or religious observance. There was no information available on prisoners' access to religious observance.

Independent Monitoring: Multiple independent monitoring organizations reported difficulties gaining access to prison and detention facilities, particularly those in the east. The GNU permitted some independent monitoring by international organizations, including the International Committee of the Red Cross, but controlled these movements tightly. UN and international aid organization sources reported that DCIM officials repeatedly denied access requests. The COVID-19 pandemic created further barriers to humanitarian access. Although some international organizations received permission to visit migrant detention facilities during the year, the responsiveness of GNU authorities and level of access varied widely from visit to visit. As of September, UNHCR and its partners had conducted 141 visits to DCIM facilities to administer aid and register refugees and asylum seekers.

d. Arbitrary Arrest or Detention

There were continued reports by UNSMIL and human rights groups of prolonged and arbitrary detention for persons held in prisons and detention facilities. Human Rights Watch stated that a large but indeterminate number of persons held in such prisons and detention centers were arbitrarily detained for periods exceeding one year.

Nonstate actors detained and held persons arbitrarily and without legal authority in authorized and unauthorized facilities, including unknown locations, for extended

periods and without legal charges.

The prerevolutionary criminal code remains in effect. It establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but these procedures were often not enforced. The government had weak control over police and GNU-aligned armed groups providing internal security, and some armed groups carried out illegal and arbitrary detentions unimpeded. The low level of international monitoring meant that there were no reliable statistics on the number of arbitrary detentions.

Arrest Procedures and Treatment of Detainees:

The law stipulates an arrest warrant is required, but authorities may detain persons without charge for as long as six days and may renew detention for up to three months, provided there is “reasonable evidence.” The law also specifies authorities must inform detainees of the charges against them and have a detainee appear before a judicial authority every 30 days to renew a detention order. The law gives the government power to detain persons for up to two months if considered a “threat to public security or stability” based on their “previous actions or affiliation with an official or unofficial apparatus or tool of the former regime.”

Although the 2011 Constitutional Declaration recognizes the right to counsel, most detainees did not have access to bail or a lawyer. Government authorities and armed groups held detainees incommunicado for unlimited periods in official and unofficial detention centers.

Arbitrary Arrest: Authorities frequently ignored or were unable to enforce the provisions of the criminal code prohibiting arbitrary arrest and detention. Various GNU-aligned and nonstate armed groups arbitrarily arrested and detained persons throughout the year. On March 25, LNA-aligned security forces arrested Hanin al-Abdali, daughter of slain lawyer Hanane al-Barassi, in downtown Benghazi on allegations of involvement in the killing that same month of an LNA brigade commander, Mahmoud al-Werfalli. Human rights groups reported that she was arrested shortly after appearing live on social media to discuss the circumstances of her mother’s killing and who she believed was responsible for it.

The FFM investigated several official and unofficial detention facilities, including

GNU's Mitiga and Ghniwa detention facilities in Tripoli and the LNA's Tarek bin Ziyad detention facility in Benghazi. The FFM determined that individuals considered to be a threat to government leadership or to the interests and ideologies of militias were detained in these facilities. Most prisoners were never charged, and the FFM documented several cases of sexual violence, torture, unsanitary conditions, denial of medical care, and summary executions in these facilities.

In August, UNSMIL reported that individuals, including children, were detained without legal basis in Benghazi. These individuals were mainly held at military detention facilities, which included Tariq bin Ziyad, Kuwayfiah, and Gernada, according to UNSMIL.

Throughout the year UNICEF reported that authorities continued to arbitrarily detain migrant children in detention centers in and around Tripoli. These children lacked access to legal assistance, due process, and basic protection and health services, according to UNICEF.

Pretrial Detention: While authorities must order detention for a specific period not exceeding 90 days, an ambiguity in the language of the law permitting judges to renew the detention period if the suspect is of "interest to the investigation" resulted in extended pretrial detentions. In addition limited resources and court capacity caused a severe backlog of cases. UNSMIL estimated that 41 percent of persons detained in Ministry of Justice prisons were in pretrial detention. According to international nongovernmental organizations (NGOs), many of these detainees were held for periods longer than the sentences for the minor crimes they allegedly committed. The Ministry of Justice was working to improve practices by training the judicial police on international standards for pretrial detention. The number of persons held in pretrial detention in Ministry of Interior, Ministry of Defense, and extralegal detention facilities was not publicly known.

Some individuals detained during the 2011 revolution remained in custody, mostly in facilities in the west. International NGOs called for the release of detainees held for petty charges to mitigate overcrowding and COVID-19 virus transmission risk in prisons.

Armed groups held most of their detainees without charge and outside the

government's authority. With control of the security environment divided among various armed groups and a largely nonfunctioning judiciary, circumstances prevented most of these detainees from accessing a review process.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law allows a detained suspect to challenge pretrial detention before the prosecutor and a magistrate judge. If the prosecutor does not order release, the detained person may appeal to the magistrate judge. If the magistrate judge orders continued detention following review of the prosecutor's request, and despite the detainee's challenge, there is no further right to appeal the assigned detention order. A breakdown in the court system, intimidation of judges, and difficulties in securely transporting prisoners to the courts effectively limited detainee access to the courts. For persons held in migrant detention facilities, there was no access to immigration courts or due process.

e. Denial of Fair Public Trial

The 2011 Constitutional Declaration provides for an independent judiciary and stipulates every person has a right of recourse to the judicial system. Nonetheless, thousands of detainees lacked access to lawyers and information concerning the charges against them. In some cases trials were held without public hearings. Judges and prosecutors, facing threats, intimidation, violence, and lack of resources, cited concerns regarding the overall lack of security in and around the courts in various parts of the country, further hindering the rule of law. Civilian and military courts operated sporadically depending on local security conditions. Court proceedings were limited in areas still recovering from previous fighting and in the country's south.

UNSMIL reported that it documented several cases, especially in the east, in which military judicial authorities tried cases normally under the jurisdiction of civilian courts; according to UNSMIL, these trials did not meet international standards. UNSMIL also received reports of the unlawful deprivation of liberty and the issuance of sentences by courts operating outside national and international legal confines.

Trial Procedures

The 2011 Constitutional Declaration provides for the right to a fair trial, the presumption of innocence, and the right to legal counsel, provided at public expense for the indigent. Government and nonstate actors did not respect these standards. There were multiple reports of individuals denied fair and public trials, choice of attorney, language interpretation, the ability to confront witnesses, protection against forced testimony or confessions, and the right to appeal.

According to reports from international and domestic NGOs, arbitrary detention and torture by armed groups, including those operating nominally under government oversight, contributed to a climate of lawlessness that made fair trials elusive. Armed groups and families of the victims or the accused regularly threatened lawyers, judges, and prosecutors.

Amid threats, intimidation, and violence against the judiciary, the GNU did not take steps to screen detainees systematically for prosecution or release. The courts were more prone to process civil cases, which were less likely to invite retaliation, although capacity was limited due to a lack of judges and administrators.

Political Prisoners and Detainees

Armed groups, some of which were nominally under GNU authority, held persons on political grounds, particularly former Qadhafi regime officials and others accused of subverting the 2011 revolution, in a variety of temporary facilities.

Due to the lack of international monitoring, there were no reliable statistics on the number of political prisoners.

Civil Judicial Procedures and Remedies

The 2011 Constitutional Declaration provides for the right of citizens to have recourse to the judiciary. The judicial system did not have the capacity to provide citizens with access to civil remedies for human rights abuses. The law provides for fact-finding, accountability, and reparations for victims but was not implemented. Courts did process civil, administrative, family, commercial, and land and property law matters. Lack of security and intimidation by armed groups

challenged the ability of authorities to enforce judgements.

Impunity for the state and for armed groups also exists in law. Even if a court acquits a person detained by an armed group, that person has no right to initiate a criminal or civil complaint against the state or the armed group unless “fabricated or mendacious” allegations caused the detention.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The 2011 Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication inviolable unless access, collection, or use is authorized by a court order. Nonetheless, reports in the news and on social media indicated GNU-aligned groups violated these prohibitions by monitoring communications without judicial authorization, imposing roadside checks, and entering private homes.

Domestic human rights organizations continued to protest authorities’ searches of cell phones, tablets, and laptops at roadside checkpoints, airports, and border crossings. These organizations noted the practice was widespread across both western and eastern regions of the country as a means to target activists, lawyers, media professionals, bloggers, and migrants.

Invasion of privacy left citizens vulnerable to targeted attacks based on political affiliation, ideology, and identity. Extrajudicial punishment extended to targets’ family members and tribes. Armed groups arbitrarily entered, seized, or destroyed private property with impunity.

g. Conflict-related Abuses

Civil society and media reports documented abuses by GNU-aligned groups, LNA-aligned groups, nonstate groups, foreign actors including mercenaries from various countries, and terrorist organizations. Conflict-related abuses committed by armed groups reportedly included killings, indiscriminate attacks on civilians, kidnapping, arbitrary detention, and torture.

Saif al-Islam Qadhafi, son of former leader Muammar Qadhafi, remained subject

to an International Criminal Court (ICC) arrest warrant to answer allegations of crimes against humanity in an investigation authorized by UN Security Council Resolution 1970. On December 12, the ICC called for international cooperation in arresting and transferring Saif al-Islam to the court. The indictment against Mahmoud Mustafa Busayf al-Werfalli, a commander in the LNA's al-Saiga Brigade, had not been withdrawn by year's end despite credible reports of his killing on March 24. On February 12, al-Tuhamy Mohamed Khaled, a former head of the Internal Security Agency of Libya who was subject to an arrest warrant in 2017 for crimes against humanity and war crimes including torture, reportedly died in Cairo, Egypt. The ICC called upon Egyptian authorities to promptly investigate the reported death and to provide the relevant information to the ICC.

Killings: There were numerous reports that GNU-aligned groups, LNA-aligned groups, foreign actors and mercenaries, and nonstate actors committed arbitrary and unlawful killings of civilians (see section 1.a.).

There were reports of communal violence between ethnic and tribal groups. In October the FFM reported that tensions between the Ahali and Tebu communities in the south, which culminated in violent clashes in 2019, continued. An indeterminate number of civilians were killed and others injured in clashes between tribal and ethnic groups in the south.

Abductions: GNU-aligned groups, LNA-aligned groups, and other armed groups were responsible for the disappearance of civilians, although few details were available (see section 1.b.). Kidnappings targeted activists, journalists, government officials, migrants, and refugees. Kidnappings for ransom, including of migrants and other foreign workers, remained a frequent occurrence in many cities.

Physical Abuse, Punishment, and Torture: Guards at both government and extralegal detention centers tortured prisoners, although the law prohibits torture. The December midterm report of the UN Panel of Experts, a body established pursuant to UN Security Council Resolution 1973 (2011) concerning Libya, identified multiple instances of torture and inhuman treatment committed by members of the Ministry of Interior's Special Deterrence Force at the Mitiga detention facility in Tripoli. The panel also cited cases in detention facilities under

the authority of or affiliated with the LNA.

Child Soldiers: In June a local monitoring and reporting mechanism for child soldiers verified that a GNU-affiliated militia in the west recruited a 15-year-old boy to fight on its behalf starting in 2019. Reports indicated the child left the militia and returned home between January and June. There were no reports of child recruitment and use by armed groups affiliated with the GNU, LNA, and other nonstate actors. Although government policy required verification recruits were age 18 or older, nonstate armed groups did not have formal policies prohibiting the practice. The GNU did not make credible efforts to investigate or punish recruitment or use of child soldiers.

There were reports that Sudanese and Chadian mercenary groups in the south also engaged in the recruitment or use of children.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The 2011 Constitutional Declaration provides for freedom of opinion, expression, and press, but various armed groups, including those aligned with the GNU, exerted significant control over media content, and censorship was pervasive. Unidentified assailants targeted journalists as reprisal for their reporting.

Freedom of Expression: Freedom of expression was limited in law and practice. The law criminalizes acts that “harm the February 17 revolution of 2017.” The House of Representatives, since its election in 2014, and the GNU, since taking its seat in Tripoli in March, did little to reduce restrictions on freedom of expression. Observers reported that individuals censored themselves in everyday speech. Civil society organizations (CSOs) practiced self-censorship because armed groups previously threatened or killed activists. Skirmishes in major urban areas deepened the climate of fear and provided cover for armed groups to target vocal opponents with impunity.

International and domestic human rights organizations claimed that human rights defenders and activists faced continuing threats – including physical attacks, detention, threats, harassment, and disappearances – by armed groups, both those aligned with and those opposed to the GNU.

Many armed groups aligned with the GNU or LNA maintained databases of persons being sought for their alleged opposition activities or due to their identity. Some journalists and human rights activists chose to depart the country rather than remain and endure harassment.

Armed groups reportedly used social media to monitor and target political opponents, incite violence, and engage in hate speech. According to UNSMIL, various news publications and television stations published calls to violence, spread intentionally false news, and permitted defamation.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Press freedoms were limited in all forms of media, creating an environment in which virtually no independent media existed. International news agencies reported difficulties obtaining journalist visas, encountered refusals to issue or recognize press cards, and were barred from reporting freely in certain areas, especially eastern cities. UNSMIL documented restrictions imposed by the Foreign Media Department at the Ministry of Foreign Affairs seriously affecting the operations of journalists in Tripoli.

Violence and Harassment: The international NGO Reporters without Borders reported that all sides used threats and violence to intimidate journalists. Harassment, threats, abductions, violence, and killings made it nearly impossible for media to operate in any meaningful capacity in several areas of the country.

Impunity for attacks on members of media exacerbated the problem, with no monitoring organizations, security forces, or functioning judicial system to constrain or record these attacks.

On February 25, a local television journalist was arrested after posing a number of questions to the prime minister during a press conference in Tripoli. He was released on February 28 after intensive lobbying by domestic and international organizations.

On July 31, domestic human rights groups and independent media organizations condemned the detention of local journalist Ahmed al-Senussi by security forces guarding the headquarters of the Central Bank of Libya (CBL) in Tripoli. He reportedly went to the CBL to call for peaceful protest against the policies of its governor. CBL security guards released him several hours after his detention.

On September 11, reports emerged that the LNA General Command had released photojournalist Ismail Abuzreiba al-Zwei from prison in Benghazi after his May 2020 sentencing in a Benghazi military court to 15 years for his affiliation with a satellite television channel deemed “hostile” to interests in the eastern region. Human rights activists stated he was tried in a closed hearing without access to his lawyer and sentenced under the country’s 2014 counterterrorism law, which provides for the arrest of civilians for perceived terrorist acts. He was one of reportedly dozens of journalists, activists, and other civilians who had been detained and tried in LNA military courts in recent years. Human rights defenders expressed concern that the LNA unfairly applied the counterterrorism law to silence dissent.

On November 22, an armed group reportedly kidnapped Siraj Abdel Hafeez al-Maqsabi, a journalist with a local newspaper in Benghazi, and took him to an unknown location.

Censorship or Content Restrictions: Journalists practiced self-censorship due to intimidation and the lack of security. The unstable security situation created hostility towards civilians and journalists associated with opposing armed groups or political factions. In June human rights organizations reported LNA-affiliated security forces removed local newspapers in Ajdabiya critical of the deteriorating security situation in the city and the disappearance and eventual reported imprisonment of activist Mansour Mohamed Atti al-Maghrabi. In August several local news networks and independent media organizations protested the GNU’s adoption of Governmental Decision No. 301, which they alleged threatened media freedom and pluralism in the country. The decision reportedly gave the government broad powers to supervise and restrict news coverage and media content.

Libel/Slander Laws: The penal code criminalizes a variety of political speech,

including speech considered to “insult constitutional and popular authorities” and “publicly insulting the Libyan Arab people.” It and other laws also provide criminal penalties for defamation and insults to religion. Most reports attributed infringement of free speech to intimidation, harassment, and violence.

National Security: The penal code criminalizes speech considered to “tarnish the [country’s] reputation or undermine confidence in it abroad,” but the GNU did not enforce this provision.

Nongovernmental Impact: Nongovernmental armed groups, terrorist groups, and civilians regularly harassed, intimidated, or assaulted journalists.

Internet Freedom

The GNU generally did not restrict or disrupt access to the internet or widely censor online content. Selective filtering or blocking of access existed, although no reliable public information identified those responsible for censorship. There were reports that GNU-aligned groups monitored private online communications without appropriate legal authority (see section 1.f.).

Facebook pages were regularly hacked by unknown actors or closed due to mass reporting and complaints.

Social media, such as YouTube, Facebook, and Twitter, played a critical role in official and unofficial government and nongovernmental communications.

Facebook remained the main platform government officials, ministries, and armed groups used to transmit information to the public. A significant body of evidence suggested that foreign actors sought to influence domestic opinion and incite violence in the country by spreading deliberate misinformation on social media and other platforms.

Many bloggers, online journalists, and citizens reported practicing self-censorship due to intimidation by armed groups and the uncertain political situation.

Academic Freedom and Cultural Events

There were no significant government restrictions on academic freedom or cultural events.

According to Freedom House, teachers and professors faced intimidation by students aligned with nonstate armed groups.

b. Freedoms of Peaceful Assembly and Association

The 2011 Constitutional Declaration provides for the freedoms of peaceful assembly and association, and the GNU generally respected these rights but lacked the ability to fully protect freedom of association.

Freedom of Peaceful Assembly

The 2011 Constitutional Declaration provides for a general right to peaceful assembly, and the GNU generally respected this right. The law on guidelines for peaceful demonstrations, however, fails to include relevant assurances and severely restricts the exercise of the right of assembly. The law mandates protesters must inform the government of any planned protest at least 48 hours in advance and provides that the government may notify the organizers that a protest is banned as little as 12 hours before the event.

Freedom of Association

The 2011 Constitutional Declaration includes freedom of association for political and civil society groups. The government lacked capacity, however, to protect freedom of association, and targeted attacks on journalists, activists, and religious figures severely undermined this freedom.

CSOs must register with the GNU's Civil Society Commission (CSC) in Tripoli. International and domestic CSOs reported that the CSC, along with the Ministry of Foreign Affairs' Directorate of International Affairs, often delayed or denied their attempts to register or renew registrations, or unduly scrutinized their activities. Registration obstacles included ad hoc preapproval processes that required interfacing with formal and informal security forces; restrictions and preapprovals for organizing or attending meetings, seminars, conferences, and workshops; inordinately detailed requests for financial and human resource information; overly broad and vague prohibitions; and direct harassment in some cases.

In the western part of the country, this type of interference was frequently

attributed to associates of the Nawasi Brigade, a Ministry of Interior-affiliated militia, working in the Tripoli-based CSC and the Ministry of Foreign Affairs. In January domestic and international CSOs reported that Nawasi was behind the CSC's December 2020 notification to all registered CSOs that their registrations would be canceled unless they signed a set of documents granting the CSC additional powers. For example, the documents allegedly included a pledge that no communication or meetings (physical or online) could take place with any foreign government or embassy or any international organization unless the CSC provided prior and explicit permission. The pledge also prohibited CSOs from receiving funding from these entities absent prior CSC approval. CSOs highlighted these restrictions significantly hampered their local operations.

Numerous CSO staff members received threats, including death threats, because of their human rights activities, and several of them believed they were under surveillance by intelligence services; they also reported being unjustly detained for short periods. The UN Panel of Experts cited numerous abductions of activists, including the September 26 abduction of Imad al-Harathi, a leader of the National League for Youth Support, who had organized peaceful demonstrations in support of elections, by a group of masked, armed men in Tripoli.

Numerous activists sought sanctuary abroad.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The 2011 Constitutional Declaration recognizes freedom of movement, including foreign travel, emigration, and repatriation, although the law provides the government with the power to restrict a person's movement if it views that person as a "threat to public security or stability," based on the person's "previous actions or affiliation with an official or unofficial apparatus or tool of the former regime."

In-country Movement: The GNU did not exercise control over internal movement in the west, although GNU-aligned armed groups set up some

checkpoints. The LNA established checkpoints in the east and south.

There were reports that armed groups controlling airports within the country conducted random checks on departing domestic and international travelers, including of their personal electronic devices. The country lacked a unified customs and immigration system.

With the stated intention of reducing the spread of the COVID-19 virus, western and eastern territory authorities, as well as local municipalities, imposed curfews and restrictions on intercity travel. International and domestic aid workers noted that these restrictions had the secondary effect of restricting humanitarian access to communities in need.

Citizenship: The law states that citizens may lose citizenship if they obtain a foreign citizenship without receiving permission beforehand from authorities, but there was no process for obtaining such permission. Authorities may revoke citizenship if it was obtained based on false information, forged documents, or the withholding of relevant information concerning nationality. The state lacked the capacity, however, to investigate the authenticity of citizenship applications.

If a father's citizenship is revoked, the citizenship of his children is also revoked. The law does not specify if a mother also loses her citizenship in this case. The law does not specify whether minors and adult children may lose their citizenship due to the revocation of their mother's citizenship. The Arab nationalist Qadhafi regime marginalized non-Arab communities prior to its overthrow in 2011. Qadhafi revoked the citizenship of some inhabitants of the Saharan interior of the country, including minorities such as the Tebu and Tuareg, after the regime returned the Aouzou strip along the Libya-Chad border to Chad in 1994. As a result there were many nomadic and settled stateless persons in the country.

e. Status and Treatment of Internally Displaced Persons

Limited access for local and international assistance organizations into areas affected by fighting among rival armed groups and to official and unofficial detention centers hampered efforts to account for and assist the displaced.

As of June the IOM estimated there were approximately 199,000 internally

displaced persons (IDPs) in the country. Tripoli, Benghazi, and Misrata were the top three regions hosting IDPs. The IOM also estimated there were more than 648,000 IDP returnees by the end of September. Benghazi had the highest number of returnees, followed by Tripoli and al-Jafara. The IOM reported damage to public infrastructure and housing remained the main obstacles to the return of IDPs.

IDPs generally resided in rented accommodations or with relatives and other host families. A smaller portion of IDPs lived in schools or other public buildings, informal camps, shelter facilities, or abandoned buildings.

Most of the 48,000 former residents of the town of Tawergha, near Misrata, who were forcibly displaced after the 2011 revolution for their perceived affiliation with the former regime, remained displaced. During its investigation the FFM on Libya obtained evidence that these IDPs faced dire living conditions in camps where they were hosted. They were subject to acts of violence, including killings, beatings, death threats, abductions, arbitrary detention, and destruction of property, according to the findings. The FFM inferred that the government tolerated, acquiesced in, and failed to provide protection from these human rights violations and abuses.

The government struggled to facilitate the safe, voluntary return of IDPs to their place of origin. Due to the lack of adequate laws, policies, or government programs, international organizations and NGOs assisted IDPs to the extent possible in the form of cash payments and provision of health services, including to those with disabilities.

f. Protection of Refugees

Government cooperation with UNHCR, the IOM, and other international agencies that operated within the country was inconsistent, and GNU-imposed restrictions often prevented humanitarian access and movement. These agencies were allowed to assist refugees and migrants in some geographic areas and facilities across the country. UN agencies monitored and publicly reported about refugees and migrants in the country, including those in GNU detention centers. International aid organizations provided basic services directly and through domestic

implementing partners to refugees and asylum seekers. The DCIM, however, suspended all UNHCR- and IOM-operated voluntary humanitarian evacuation flights and migrant return flights several times throughout the year, including a suspension from August until mid-October.

Access to Asylum: The country is not party to the 1951 Refugee Convention or its 1967 Protocol, although the 2011 Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers. The GNU had not established a system for protecting refugees or asylum seekers by year's end. Absent an asylum system, authorities may detain and deport asylum seekers without giving them the opportunity to request asylum. The GNU did not legally recognize asylum seekers without documentation as a class distinct from migrants without residency permits.

Authorities continued to expel migrants and asylum seekers across the country's southern borders, and in some areas these activities reportedly increased. In August, GNU officials reported to the UN that DCIM authorities in the east expelled at least 1,400 migrants and refugees, contrary to the 2011 Constitutional Declaration. DCIM authorities forcibly deported these persons to Sudan, Chad, Niger, and Egypt without access to asylum procedures and transported them in unsafe conditions to remote desert locations.

According to the CIHRS-LP report, the Kufra Shelter and Deportation Center deported at least 532 potential asylum seekers to Sudan and Chad between January and June.

Abuse of Migrants and Refugees: According to UNSMIL and various UN agencies, refugees, asylum seekers, and migrants routinely experienced unlawful killings, arbitrary detention, torture, sexual exploitation, and other abuses. Perpetrators included state officials, armed groups, smugglers, traffickers, and criminal gangs.

Conditions in government and extralegal migrant detention facilities included severe overcrowding, insufficient access to toilets and washing facilities, malnourishment, lack of potable water, and spread of communicable diseases (see section 1.c.). Many press reports indicated refugees and migrants endured torture

in official and unofficial detention centers, and nonstate actors routinely held migrants for ransom payments. Reports also suggested that Christian migrants and refugees suffered greater rates of sexual and physical assault than non-Christians.

Armed groups and criminal gangs involved in human smuggling activities targeted migrants. Numerous reports suggested that human smugglers and traffickers had caused the death of migrants. There were limited arrests and no known prosecutions by the GNU of persons engaged in trafficking or human smuggling.

According to migrant advocates, numerous other DCIM-affiliated migrant facilities were colocated with or near weapons depots and other dual-use sites. In June, UNSMIL reported that an explosion and fire at the DCIM-operated Abu Rashada detention center in Gharyan resulted in an unknown number of migrant deaths and approximately 200 injuries. Both UNSMIL and domestic and international migrant aid organizations attributed the incident to a spark in an ammunition depot near the facility. High-resolution satellite photographs of the detention center circulating on social media and in news reports appeared to show that it was located near a military compound. Survivors reported that guards shot indiscriminately at migrants trying to escape from the fire, according to UNSMIL.

Smugglers, traffickers, and GNU-aligned armed groups reportedly exploited migrants for forced labor. There were reports that migrants in some official or informal detention locations had to engage in forced labor, such as construction and agricultural work, for no wages. According to international observers, some migrants also had to provide services for armed groups, such as carrying and transporting weapons, cooking food, cleaning, and clearing unexploded ordnance.

There were numerous reports that migrants, particularly sub-Saharan Africans, experienced harassment or discrimination by citizens due to the perception that foreigners were transmitting the COVID-19 virus.

Female refugees and migrants faced especially difficult situations, and international organizations received extensive reports of rape and other sexual violence. Women and girls were vulnerable to sex trafficking and were routinely detained in houses in Tripoli and Sebha, a southwestern city. Migrant women and girls were forced into commercial sex in both official and unofficial detention

facilities in conditions that sometimes amounted to sexual slavery. Other migrant women reported being harassed when leaving their homes to search for work. Many migrant women who had been abused could not return to their countries of origin due to stigmatization. The country lacks legal protections for survivors of sexual violence.

In early October the Ministry of Interior launched a large-scale campaign that included raids on houses and temporary accommodations used by migrants and asylum seekers in and around Tripoli. UN agencies estimated that the operation resulted in the arrests of more than 5,000 migrants and asylum seekers, most of whom ended up in overcrowded detention centers, including al-Mabani (also known as Ghout al-Sha'al), Shara al-Zawiya, and Abu Salim. Human rights organizations reported that security personnel used excessive and lethal force during the raids, causing several injuries among migrants and asylum seekers and at least one death. UNSMIL issued a statement calling on the government to end arbitrary arrests, immediately release all vulnerable detainees, and investigate reports of security personnel's excessive use of force, including lethal force. On October 10, the IOM reported that guards at al-Mabani killed six migrants and injured 24 others when opening fire on detainees following a riot and attempted escape at the facility on October 8.

Freedom of Movement: Migrants and asylum seekers were generally considered to be illegally present in the country and were subject to fines, detention, and expulsion. The government considered migrants intercepted by the Libyan Coast Guard while attempting sea crossings on the Mediterranean to have violated the law and often sent them to migrant detention facilities in the west.

As of October the Libyan Coast Guard intercepted more than 27,500 migrants and asylum seekers at sea and returned them to the country. UN agencies expressed concern that thousands of these migrants remained unaccounted for after disembarkation and disappeared into informal detention by human-trafficking networks.

Access to Basic Services: Refugees registered with UNHCR may access basic protection and assistance from UNHCR and its partners, but the GNU did not provide refugees with reliable access to health care, education, or other services,

due to the limitations of its health and education infrastructure.

g. Stateless Persons

Women generally may not transmit citizenship to their children. The law permits female citizens to confer citizenship to their children only in certain exceptional circumstances, such as when fathers are unknown, stateless, or of unknown nationality. In contrast the law provides for automatic transmission of citizenship to children born of a Libyan-national father, whether the child is born inside or outside of the country and regardless of the citizenship of the mother. There are naturalization provisions for noncitizens.

According to some reports, up to 30 percent of the population in the south was of undetermined legal status, which fueled discrimination in employment and services. Noncitizens without national identification numbers may not access basic services; register births, marriages, or deaths; hold certain jobs; receive state salaries; vote; or run for office.

Due to the lack of international monitoring and governmental capacity, there were no comprehensive data on the number of stateless persons.

Section 3. Freedom to Participate in the Political Process

The 2011 Constitutional Declaration provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. After a prolonged delay because of the conflict, the UN-facilitated Libyan Political Dialogue Forum agreed on the date of December 24 for national elections. On December 22, the High National Elections Commission stated it could not proceed with elections because of several unresolved matters, including disputed candidacies.

Elections and Political Participation

Recent Elections: In 2014 the High National Electoral Commission successfully administered the election of members to the House of Representatives, an interim parliament that replaced the General National Congress, whose mandate expired that year. Observers mostly commended the performance of the electoral

authorities, with the largest national observation umbrella group citing minor technical problems and inconsistencies. Violence affected some polling centers. A total of 11 seats remained vacant due to a boycott of candidate registration and voting by the Amazigh community.

The term of the House of Representatives expired; however, the legislative body was recognized as the nation's legitimate parliament by the Libyan Political Agreement signed in 2015, which created the former interim Government of National Accord.

Rival factions attempted to schedule elections in 2018 and 2019, but the efforts failed when the LNA launched its offensive on Tripoli in 2019.

During UNSMIL's Libyan Political Dialogue Forum meeting in Geneva on February 1-5, Libyan delegates successfully selected the GNU as the country's interim executive authority and set December 24 as the date for presidential and parliamentary elections. A lack of agreement on a presidential candidate list scuttled the planned elections.

Participation of Women and Members of Minority Groups: The 2011 Constitutional Declaration allows for full participation of women and minorities in elections and the political process, but significant social and cultural barriers – in addition to security challenges – prevented their proportionate political participation.

The election law provides for representation of women in the House of Representatives; of the 200 seats in parliament, the law reserves 32 for women. There were 27 active female members in the House of Representatives. The disparity was due to resignations and deputies' refusal to take their seats.

Women were underrepresented in public-health decision making related to the COVID-19 pandemic. The GNU's two COVID-19 pandemic response committees – the Supreme Committee for Coronavirus Response and an advisory Scientific Committee – lacked female members.

Ethnic minorities and indigenous groups, including the Amazigh, Tebu, and Tuareg, expressed frustration with what they perceived as their deliberate

marginalization from political institutions and processes.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. The government did not implement the law effectively. There were numerous reports of government corruption but, as in 2020, no significant investigations or prosecutions occurred. There were many reports and accusations of government corruption due to the lack of transparency in the GNU's management of security forces, oil revenues, and the national economy. There were allegations that government officials sometimes misused the letter of credit system to gain access to government funds.

Corruption: Internal conflict and the weakness of public institutions undermined implementation of the law. Based on Libyan Audit Bureau reports, officials frequently engaged with impunity in corrupt practices such as graft, bribery, and nepotism. There were numerous reports of government corruption, including instances of alleged money laundering, human smuggling, and other criminal activities. On November 4, the attorney general issued an arrest warrant for the former mayor of Brega on embezzlement charges. The government lacked significant mechanisms to investigate corruption among members of police and security forces.

Slow progress in implementing decentralization legislation, particularly regarding management of revenues from oil and gas exports and distribution of government funds, led to accusations of corruption and calls for greater transparency.

The Audit Bureau, the highest financial regulatory authority in the country, made efforts to improve transparency by publishing annual reports on government revenues and expenditures, national projects, and administrative corruption; the bureau struggled to release its reports on time, however. The bureau also investigated mismanagement at the General Electricity Company of Libya that contributed to lower production and led to acute power cuts.

Leadership disputes at the Administrative Control Authority, the sovereign body charged with some government oversight authorities, weakened the institution's

readiness and capacity to tackle corruption.

The UN-facilitated an independent, international audit of the two branches of the CBL concluded in August after a lengthy delay. The final recommendations of the audit encouraged the CBL to unify its organizational structure and strengthen its financial accountability and transparency. The CBL split between parallel western and eastern branches in 2014.

The UN Libya Sanctions Committee Panel of Experts, a committee established pursuant to UN Security Council Resolution 1970 (2011), continued to make recommendations, including on corruption and human rights problems.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several human rights groups operated in the country but encountered government restrictions when investigating alleged abuses of human rights. The GNU and affiliated nonstate armed groups used legal and nonlegal means to restrict some human rights organizations from operating, particularly organizations with an international affiliation.

The United Nations or Other International Bodies: UNSMIL maintained its headquarters and staff in Tripoli. The GNU was unable to assure the safety of UN officials, particularly in areas of the country not under GNU control, but generally cooperated with UN representatives in arranging visits within the country.

Government Human Rights Bodies: The National Council for Civil Liberties and Human Rights, a national human rights institution created by legislative authority in 2011, was unable to operate fully in the country due primarily to political divisions between the east and west. The council maintained limited engagement with other human rights organizations and the UN Human Rights Council. It had a minimal presence in Tripoli. Its ability to advocate for human rights and investigate alleged abuses was unclear.

The GNU Ministry of Justice chaired an interagency joint committee to investigate

human rights abuses in the country. The joint committee reportedly compiled quarterly reports on human rights conditions, but these reports were not publicly available. Domestic and international human rights organizations criticized the body for inactivity and noted that it lacked sufficient political influence to encourage reform. In June some domestic CSOs reported the Ministry of Interior closed an internal human rights office that former interior minister Fathi Bashagha established in 2018. The ministry stated it transferred the duties of the office, which included investigating reported human rights abuses by Ministry of Justice personnel, to the Department of Legal Affairs. Nevertheless, the reorganization reportedly had a detrimental impact on the Ministry of Justice's ability to conduct human rights investigations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. The 2011 Constitutional Declaration prohibits domestic violence but does not contain reference to penalties for those convicted of violence against women.

There were no reliable statistics on the extent of domestic violence. Social and cultural barriers – including police and judicial reluctance to act and family reluctance to publicize an assault – contributed to lack of effective government enforcement. Several domestic CSOs reported throughout the year that women continued to experience higher rates of domestic violence due to COVID-19 pandemic curfews and extended time spent at home.

By law a convicted rapist may avoid a 25-year prison sentence by marrying the survivor, regardless of her wishes, provided her family consents. Rape survivors who could not meet high evidentiary standards could face charges of adultery.

Migrant women and girls remained particularly vulnerable to rape and sexual violence, including forced commercial sexual exploitation in conditions amounting to sexual slavery. There were reports of egregious acts of sexual violence against women and girls in government and extralegal detention facilities (see section 2.f.,

Protection of Refugees).

Two specialized courts established in Tripoli and Benghazi by the Supreme Judicial Council addressed violence against women, men, and children. Five female judges served on these two courts.

Sexual Harassment: The law criminalizes sexual harassment, but there were no reports on how or whether it was enforced. According to CSOs, there was widespread harassment and intimidation of women by armed groups, including harassment and arbitrary detention based on accusations of “un-Islamic” behavior.

There were reports armed groups harassed women traveling without a male “guardian” and that armed groups asked men and women socializing in public venues to produce marriage certificates to verify their relationship.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The UN Population Fund (UNFPA) noted family planning services were significantly limited due to cultural and social norms favoring large families, as well as the absence of prioritization of the matter by the government. Access to information on reproductive health and contraception was also difficult for women to obtain due to social norms surrounding sexuality.

According to UNFPA estimates, the reported contraceptive prevalence rate was 27 percent, and nearly 41 percent of women had unmet needs with respect to family planning using modern methods. Women’s access to maternal health-care services and contraceptive supplies remained limited due to continued political instability. According to the World Health Organization (WHO), the large number of IDPs and access restrictions in conflict zones significantly affected the provision of reproductive health services. The WHO also reported lack of access to family planning services, obstetrical care, and treatment of sexually transmitted infections.

The government generally did not effectively provide access to sexual and reproductive health services for survivors of sexual violence, including access to emergency contraception. Civil society actors provided limited legal assistance to survivors in the absence of the government.

Discrimination: The 2011 Constitutional Declaration states citizens are equal by law with equal civil and political rights and the same opportunities in all areas without distinction on the grounds of gender. Absent implementing legislation, and operating with limited capacity, the GNU did not effectively enforce these declarations.

Women faced social forms of discrimination that affected their ability to access employment, their workplaces, their mobility, and their personal freedom. Although the law prohibits discrimination based on gender, there was widespread cultural, economic, and societal discrimination against women. In a 2020 study, the UN Entity for Gender Equality and the Empowerment of Women (UN Women) found that women were 12 times more likely to be unemployed than men and that working women earned nearly three times less than men. There were significant inequalities in women's access to insurance, loans, and other forms of social protection.

The country lacks a unified family code. Sharia (Islamic religious law) often governs family matters, including inheritance, divorce, and the right to own property. While civil law mandates equal rights in inheritance, women often received less due to interpretations of sharia that favor men.

Systemic Racial or Ethnic Violence and Discrimination

Arabic-speaking Muslims of Arab, Amazigh, and mixed Arab-Amazigh ancestry constitute a majority of the citizenry. The principal linguistic-based minorities are the Amazigh, Tuareg, and Tebu. Except for some Amazigh, who belong to the Ibadi sect of Islam, minority groups are predominantly Sunni Muslim but often identified with their respective cultural and linguistic heritages regarding Arab traditions.

The law grants the right for “all linguistic and cultural components to have the right to learn their language,” and the government nominally recognizes the right to teach minority languages in schools. Minority and indigenous groups complained that their communities were often allowed to teach their languages only as an elective subject within the curriculum.

Some members of the Tebu minority residing in the south reported their access to

higher education was limited, since university campuses were in geographic areas controlled by Arab tribes that routinely harassed or denied freedom of movement to members of the Tebu minority. Universities reportedly did not provide offsite learning alternatives to these Tebu students.

The extent to which the government enforced official recognition of minority rights was unclear. There were reports that teachers of minority languages faced discrimination in receiving accreditation and in being eligible for bonuses, training, and exchange opportunities provided by the Ministry of Education.

There were also reports that individuals with non-Arabic names encountered difficulties registering these names in civil documents.

Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those of sub-Saharan African heritage. Government officials and journalists often distinguished between “local” and “foreign” populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not truly “Libyan.”

Some representatives from the Amazigh, Tebu, and Tuareg communities rejected the 2017 draft constitution because of a perceived lack of recognition of the status of these communities and inadequate provisions on decentralization.

Several Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers (see section 2.d.), faced widespread social discrimination, and suffered from hate speech and identity-based violence. In the south, if a member of one tribe or group attacked a member of another tribe or group, it was not uncommon for the latter tribe to take retribution against multiple members of the former group.

Some members of ethnic minority communities in the south and west reported being unwilling to enter certain courthouses and police stations due to intimidation and fear of reprisal.

There were numerous reports throughout the year of ethnic minorities being injured or killed in confrontations with other groups.

Children

Birth Registration: By law children derive citizenship from a citizen father. The law permits citizen women who marry foreign men to transmit citizenship to their children, although some contradictory provisions may potentially perpetuate discrimination. There are also naturalization provisions for noncitizens.

Education: Many schools remained closed throughout the year due to lack of materials, damage, or security concerns. Internal displacement further disrupted school attendance as many schools were repurposed as IDP shelters.

Child, Early, and Forced Marriage: The minimum age for marriage is 18 for both men and women, although judges may permit those younger than 18 to marry. LNA authorities reportedly imposed a minimum age of 20 for both men and women. Early marriages were relatively rare, according to UN Women, although comprehensive statistics were not available due to the lack of a centralized civil registry system and the continuing conflict.

There were anecdotal reports of child marriage occurring in some rural and desert areas where tribal customs are more prevalent. There were also unconfirmed reports that civil authorities could be bribed to permit underage marriage.

Sexual Exploitation of Children: There were no laws prohibiting or penalties for the commercial sexual exploitation of children or for child pornography, nor laws regulating the minimum age of consensual sex.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Most Jewish persons left the country between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population was available. There were no reports of clearly anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The 2011 Constitutional Declaration addresses the rights of persons with disabilities by providing for monetary and other types of social assistance for the “protection” of persons with “special needs” with respect to employment, education, access to health care, and the provision of other government services, but it does not explicitly prohibit discrimination. The government did not effectively enforce these provisions. IDPs, migrants, and refugees with disabilities were especially vulnerable to poor treatment in detention facilities.

Some organizations estimated that approximately 13 percent of citizens may have some form of disability, although government estimates were much lower. Years of postrevolutionary conflict also led to a greater incidence of persons maimed by shelling or explosive war remnants.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Societal discrimination against LGBTQI+ persons persisted, and official discrimination was codified in local interpretations of sharia. Convictions of same-sex sexual activity carry sentences of three to five years' imprisonment. The law provides for punishment of both parties.

There was little information on discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care. Observers noted that the threat of possible violence or abuse could intimidate persons who reported such discrimination.

There were reports of physical violence, harassment, and blackmail based on sexual orientation and gender identity. Armed groups often policed communities to enforce compliance with their commanders' understanding of “Islamic” behavior, harassing and threatening with impunity individuals believed to have

LGBTQI+ orientations and their families.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for the right of workers to form and join independent unions. It provides for the right of workers to bargain collectively and conduct legal strikes, with significant restrictions. The law neither prohibits antiunion discrimination nor requires the reinstatement of workers for union activity. By law workers in the formal sector are automatically members of the General Trade Union Federation of Workers, although they may elect to withdraw from the union. Only citizens may be union members, and regulations do not permit foreign workers to organize. According to Freedom House, some trade unions formed after the 2011 revolution, but they remained in their infancy, and collective-bargaining activity was severely limited due to the continuing hostilities and weak rule of law.

The GNU was limited in its ability to enforce applicable labor laws. The requirement that all collective agreements conform to the “national economic interest” restricted collective bargaining. Workers may call strikes only after exhausting all conciliation and arbitration procedures. The government or one of the parties may demand compulsory arbitration, thus severely restricting strikes. The government has the right to set and cut salaries without consulting workers. State penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

Employees organized spontaneous strikes, boycotts, and sit-ins in a number of workplaces, generally to protest delays in salary payments.

b. Prohibition of Forced or Compulsory Labor

The law did not prohibit or criminalize all forms of forced or compulsory labor. The penal code criminalizes slavery and prescribes penalties of five to 15 years’ imprisonment. It also criminalizes the buying and selling of slaves and prescribes penalties of up to 10 years’ imprisonment. Other forms of forced labor are not criminalized. The GNU did not fully enforce the law, however. The resources,

inspections, and penalties for abuses were not commensurate with those for other analogous serious crimes, such as kidnapping.

There were numerous anecdotal reports of migrants and IDPs being subjected to forced labor by human traffickers. According to numerous press reports, individuals were compelled to support the armed groups that enslaved them, including by preparing and transporting weapons. Others were forced under threat of violence to perform manual labor on farms, at industrial and construction facilities, and in homes.

Private employers sometimes used detained migrants from prisons and detention centers as forced labor on farms or construction sites; when the work was completed or the employers no longer required the migrants' labor, employers returned them to detention facilities.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits and criminalizes the worst forms of child labor and provides for a minimum age of employment. The law prohibits children younger than 18 from employment, except in a form of apprenticeship. The law stipulates employees may not work more than 48 hours per week or more than 10 hours in a single day. The law sets occupational safety and health (OSH) restrictions for children. The government lacked the capacity to enforce the law. No information was available to determine whether abuses of child labor laws incur penalties commensurate with those for other analogous serious crimes, such as kidnapping. There were reports of children forced into labor or military service by nonstate armed groups. These accounts were difficult to verify due to the absence of independent monitoring organizations and the continuing hostilities.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The 2011 Constitutional Declaration provides for a right to work for every citizen and prohibits any form of discrimination based on religion, race, political opinion, language, wealth, kinship, social status, and tribal, regional, or familial loyalty. The law does not prohibit discrimination based on age, gender, disability, sexual orientation or gender identity, social status, HIV-positive status, or having other communicable diseases. The law does not specifically prohibit discrimination based on an individual's employment or occupation. The limitations of the central government restricted its ability to enforce applicable laws. Penalties for abuses were not commensurate with other laws on civil rights, such as election interference.

Women faced discrimination in the workplace. The law prohibits women from working in jobs deemed "morally inappropriate." Regulations issued by the General People's Committee prohibit women from working in roles "unsuited to their nature as women" and permit women's work hours to be reduced for certain professions and occupations as a function of the work's requirements and the proportion of male and female workers. Observers reported that authorities precluded hiring women for positions in the civil service. They also reported social pressure on women to leave the workplace, especially in high-profile professions such as journalism and law enforcement. In rural areas societal discrimination restricted women's freedom of movement, including to local destinations, and impaired their ability to play an active role in the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: The Ministry of Labor and Rehabilitation's Department of Labor Inspection and Occupational Safety is responsible for enforcing the national monthly minimum wage. There is no set official poverty income level. The law stipulates a workweek of 40 hours, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime. Penalties for abuses were not commensurate with those for similar crimes, such as fraud.

Occupational Safety and Health: OSH standards were appropriate for the main

industries in the country. The government generally did not enforce them. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. Responsibility for identifying unsafe situations remained with OSH experts and not the worker. The law provides OSH standards and grants workers the right to court hearings regarding abuses of these standards. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. The limitations of the GNU restricted its ability to enforce wage laws and OSH standards. Penalties for abuses of the law were not commensurate with those for crimes such as negligence.

The Ministry of Labor and Rehabilitation is responsible for OSH concerns, but no information was available on enforcement and compliance.

Informal Sector: No accurate data on the size of the informal economy were available. The law does not provide for OSH standards for workers in the informal economy.